

SANTA ANA UNIFIED SCHOOL DISTRICT

AR 4112.5/4312.5(a)

Certificated Personnel

Criminal Record Check

The Superintendent or designee shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony, unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 44830.1 (cf. 4112.2 - Certification))

However, a certificated employee may be hired by the ROP without obtaining a criminal record summary if that employee became a permanent employee of another school district or ROP as of October 1, 1997. (Education Code 44830.1)

The Superintendent or designee shall ensure that no current certificated temporary, substitute or temporary employee serving before March 15 of the employee's second probationary year who has been convicted of a violent or serious felony is retained. (Education Code 44830.1)

When the Governing Board requests a criminal record summary of a temporary, substitute or probationary certificated employee, the ROP shall submit two fingerprint cards in accordance with law, together with a personal description of the person and a fee, to the Department of Justice. (Education Code 44830.1) (cf. 4121 - Temporary/Substitute Personnel)

Upon notification by the Department of Justice that a current temporary, substitute or probationary employee, serving before March 15 of the employee's second probationary year, has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1)

When the ROP receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall immediately terminate the employee without regard to any other procedure for termination specified in the Education Code or ROP procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 44830.1)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code 44830.1)

The Superintendent or designee shall request subsequent arrest service from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1) (cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

Temporary Certificates of Clearance

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Superintendent or designee shall obtain a criminal record summary form the Department of Justice. The Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony, unless the applicant has obtained a certificate of rehabilitation and pardon. (Education Code 44332, 44332.5, 44332.6) (Personnel Files) (cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

Current Employees

The Superintendent or designee shall forward to the Department of Justice a list of all current classified employees, except secondary students employed in a temporary or part-time position by the district having jurisdiction over the school they attend, who have not completed a criminal background check. (Education Code 45125)

Upon notification by telephone from the Department of Justice that a current temporary or substitute classified employee has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

Upon receipt of written notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall immediately terminate the temporary or substitute employee without regard to any other procedure for termination specified in the Education Code or District procedure, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1) (cf. 4218 - Dismissal/Suspension/Disciplinary Action)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits. (Education Code 45122.1)

The Superintendent or designee shall request subsequent arrest service from the Department of Justice as provided under Penal Code 11105.2. (Education Code 45125)

(Legal Reference next page)

Legal Reference:

EDUCATION CODE

44332.6 Criminal record check, county board of education
 44346.1 Applicants for credential, conviction of a violent or serious felony
 44830.1 Certificated employees, conviction of a violent or serious felony
 44830.2 Certificated employees; interagency agreements
 45122.1 Classified employees, conviction of a violent or serious felony
 45125 Use of personal identification cards to ascertain conviction of crime
 45125.01 Classified employees; interagency agreements
 45125.5 Automated records check
 45126 Duty of Department of Justice to furnish information

GOVERNMENT CODE

6200-6203 Crimes related to public records

PENAL CODE

502 Unauthorized access to computers
 667.5 Prior prison terms, enhancement of prison terms
 1192.7 Plea bargaining limitation
 11075-11081 Criminal record dissemination
 11105 State Criminal history information; furnishing to authorized persons
 11105.2 Subsequent arrest notification
 11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence; availability to employer for applicants for positions with supervisory or disciplinary power over minors
 11140-11144 Furnishing of state criminal history information
 13300-13305 Local summary criminal history information
CODE OF REGULATIONS, TITLE 11
 703 Release of criminal offender record information
 708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office:
<http://www.caag.state.ca.us/app>
 CSBA: <http://www.csba.org>

Approved: 9-03

Santa Ana, CA